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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,565	10/02/2003	Douglas B. Guthrie	SEH 026 P2	9308
34232	7590	05/15/2006	EXAMINER	
MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419			LORENCE, RICHARD M	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,565

Applicant(s)

GUTHRIE ET AL.

Examiner

Richard M. Lorence

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6,7,14,16,17,19,21,24,26,27,30-39,43,48,51,52,54,56,60,61,64-68,71-83,85,86,90,92,94,97-100,102,103,106,107,110-119 and 121.

Continuation of Disposition of Claims: Claims rejected are 1-4,6,7,14,16,17,19,21,24,26,27,30-39,43,48,51,52,54,56,60,61,64-68,71-83,85,86,90,92,94,97-100,102,103,106,107,110-119 and 121.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 1, 2006 has been entered.

Claims 1, 6, 34, 48, 60, 64-66, 68, 73, 81, 110-113, 116-119 and 121 have been amended, and claim 84 has been cancelled.

Claims 1-4, 6, 7, 14, 16, 17, 19, 21, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-68, 71-83, 85, 86, 90, 92, 94, 97-100, 102, 103, 106, 107, 110-119 and 121 are currently pending.

Claim Objections

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. The limitations of claim 2 are included in the last two lines of claim 1 as amended.

Claim 121 is objected to because in line 2 "that" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6, 7, 14, 16, 17, 19, 21, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-68, 71-83, 85, 86, 90, 92, 94, 97-100, 102, 103, 106, 107, 110-119 and 121 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 6 and 9 of claim 1, line 8 of claim 34, lines 11 and 13 of claim 68, lines 12 and 15 of claim 81, and lines 3 and 4 of claim 117 it is not entirely clear whether the claims require the first and second channels to be in fluid communication with the respective first and second edges. It is noted that lines 6 and 9 of claim 1 and lines 3 and 4 of claim 117 recite that the channels are "associated with" the edges, but do not particularly point out that the channels are in fluid communication with the edges. Similarly line 8 of claim 34 recites that the apertures have an opening "associated with" the first edge but does not particularly point out that the apertures are in fluid communication with the edges. Lines 11 and 13 of claim 68 and lines 12 and 15 of claim 81 differ somewhat from claims 1 and 34 in that they recite that the channels (or apertures) are "in fluid communication with (an) area" which is "associated with" the edges. However this is also not seen to particularly point out that the channels are actually in fluid communication with the edges.

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The meaning of the term "apertures" in claims 34-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-67, 81-83, 85, 86, 90, 92, 94, 97-100, 102, 103, 106, 107 and 110-116 is unclear. An aperture as understood is a hole or opening, inferring that the apertures extend completely through the thickness of the material. However claims 34 and 81 as amended recite that the apertures (or the first channels defined thereby) extend "substantially entirely" through the material. As such it cannot be determined if the claimed apertures extend completely through the material.

Similarly in claims 68 and 71-80 the recitation of the first channel depth is vague in that it does not particularly point out that the first channel extends completely through the material.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 14, 24, 30-37, 43, 48, 64-68, 71-83, 90, 92, 94, 103, 110-119 and 121 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,062,367 A (Hirayanagi et al.).

Note Figures 7A and 7B which show the friction facing 10 with first channels 11b extending completely through the material, and second channels 11a extending only partially through the material.

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Claims 34-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-68, 73, 75-78, 81-83, 85, 86, 90, 92, 97-100, 102, 103, 106, 107, 110-116 and 121 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,101,953 A (Payvar).

Note Figures 1 and 7-9 which show the friction facing 11 with first channel 17 having a depth "d" and second channel 19 having a lesser depth "e".

Claims 1-4, 6, 7, 14, 16, 17, 19, 21, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-68, 71-83, 85, 86, 90, 92, 94, 97-100, 102, 103, 106, 107, 110-119 and 121 are as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,345,711 B1 (Sullivan).

Note Figures 1-5 which show the friction facing 10 with first channel 20 extending completely through the material, and second channel 22 or 23 extending only partially through the material.

Response to Arguments

Applicant's arguments filed March 1, 2006 have been fully considered but they are not persuasive.

Applicant argues in the first full paragraph on page 22 that each of the independent claims require a plurality of first channels or areas, at least one of which has a second channel in fluid communication therewith for permitting fluid to flow from a first area to a second area. The first and second channels have depths that are different and the different depths are associated with different edges of the friction material.

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The examiner respectfully submits that each of the applied references show friction material having first and second channels in communication with one another and having different depths. In each of the references the different depth channels are associated with different edges of the material at least to the extent that one of the channels is closer to a first (inner) edge while the other channel is closer to a second (outer) edge.


Applicant remarks in the second full paragraph on page 22 concerning the step and connector have been noted. These features correspond to the transition from the deep and shallow channels shown in either Hirayanagi et al. '367 or Payvar '953. Note also the similarity between Figure 3 of the newly applied Sullivan '711 reference and Figure 3C of the application which shows the connector 38.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (571) 272-7094. The examiner can normally be reached on Mondays through Fridays from 10:30AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Richard M. Lorence
Primary Examiner
Art Unit 3681

rml